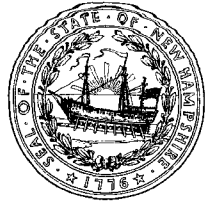




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-079**

August 8, 2006

Gail & Fred Antonucci
P.O. Box 38
Wolfeboro, NH 03894-0038

RE: File # 2006-952, 1031 Center St., Wolfeboro

Dear Mr. Antonucci:

On June 19, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Wolfeboro Tax Map 71 as Lot 5 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800.

During the inspection the following deficiencies were documented:

1. A culvert crossing in a perennial stream had been upgraded without a permit.
 - a. Two 24" x 15' culverts were installed.
 - b. Ponding was apparent at the inlet and outlet of the crossing and the ponded areas had been reinforced with boulders.
 - c. The culverts did not appear to be in line with the stream channel or in the same location as the pre-existing crossing.
 - d. Additional wetlands had been filled for the crossing.
 - e. At the outlet of the culvert, boulders were blocking a portion of the streams natural flow.
2. Two crossings over an intermittent stream were failing and stone was placed in the stream below one crossing.
3. While sedimentation was not traced to the perennial stream, a line of hay bales were overwhelmed with silt and the vegetated buffer strip adjacent to the stream had undergone sedimentation.
4. The access running along the top of the sand pit was directing stormwater down toward the intermittent stream causing minor sedimentation of wetlands adjacent to the stream.

In response, you are requested to take the following actions:

1. Within 7 days of receiving this LOD submit photographs mounted on 8.5" x 11" white

paper, documenting the completion of tasks requested of you during the site inspection. These requests included the installation of silt fencing and the loaming, mulching, and seeding of two unstable upland areas.

2. Within 30 days of receipt of this Letter of Deficiency, submit a Standard Dredge and Fill Application to DES for review and approval to retain unpermitted jurisdictional impacts on the Property. The application should include a restoration plan reflecting the upgrade of the two failing intermittent stream crossings for the use of heavy trucks and the changes to be made to the perennial stream crossing to bring the crossing into compliance with RSA 482-A. Plans and construction sequencing submitted with the application should also include the following:

- a. Existing conditions and proposed conditions after restorative work is completed. Wetland boundaries should be delineated by a certified wetland scientist.
- b. Measures to be taken to restore unnecessary jurisdictional impacts. Wetland restoration plans should be designed by a certified wetland scientist and stream restoration efforts/crossing upgrades should be designed by a certified professional engineer.
- c. A construction sequence for restorative actions.
- d. A means of monitoring restoration areas.
- e. Proposed dates for the start of work and the completion of work.

3. Implement the plans only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Stacey Herbold, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95

Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Stacey Herbold at (603) 271-4062.

Sincerely,

A handwritten signature in cursive script, likely of Collis G. Adams, is written over a large, bold, black-outlined stamp that reads "COPY".

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7002 2410 0001 6279 1437

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Wolfeboro Conservation Commission
Wolfeboro Board of Selectmen
USACOE